

the Committee shall be PDAJAG (Operations & Management). The Chairman may excuse members disqualified for cause, illness, or exigencies of military service, and may request JAG to appoint additional or alternative members on a temporary or permanent basis.

(b) *Purpose.* (1) When requested by JAG or by the Rules Counsel, the Committee will provide formal advisory opinions to JAG regarding application of subpart B of this part to individual or hypothetical cases.

(2) On its own motion, the Committee may also issue formal advisory opinions on ethical issues of importance to the DON legal community.

(3) Upon written request, the Committee will also provide formal advisory opinions to individuals subject to this part about the propriety of proposed courses of action under subpart B of this part. If such requests are predicated upon full disclosure of all relevant facts, and if the Committee advises that the proposed course of conduct is not violative of subpart B of this part, then no adverse action under this part may be taken against an individual who acts consistent with the Committee's advice.

(4) The Committee Chairman will forward copies of all opinions issued by the Committee to the Rules Counsel.

§ 776.9 Rules Counsel.

Appointed by JAG to act as a special assistant for the administration of subpart B of this part, the Rules Counsel derives authority from JAG and, with respect to administrative matters under this part, has "by direction" authority. The Rules Counsel shall cause opinions issued by the Professional Responsibility Committee of general interest to the DON legal community to be published in summarized, non-personal form in suitable publications. Unless another officer is appointed by JAG to act in individual cases, the following officers shall act as Rules Counsel—

(a) In cases involving Marine Corps judge advocates, Director, Judge Advocate Division; and

(b) In all other cases, Assistant Judge Advocate General (Civil Law).

§ 776.10 Informal ethics advice.

(a) *Advisors.* Judge advocates may seek informal ethics advice either from the OJAG officers named below or from their supervisory judge advocates in the field. Within the Office of the JAG, the following officials are designated to respond to informal, oral inquiries concerning this part in the areas of practice indicated—

(1) Head, Military Affairs/Personnel Law Branch, Administrative Law Division: administrative boards and related matters;

(2) Deputy Director, Criminal Law Division: military justice matters;

(3) Deputy Director, Legal Assistance Division: legal assistance matters; and

(4) Head, Standards of Conduct/Government Ethics Branch, Administrative Law Division: all others.

(b) *Informal advice.* Informal ethics advice will not be provided by OJAG advisors concerning matters currently in litigation.

(c) *Written advice.* A request for informal advice does not relieve the requestor of the obligation to comply with subpart B of this part. Although DON judge advocates and civilian attorneys are encouraged to seek advice when in doubt as to their responsibilities, they remain personally responsible for their professional conduct. If, however, a subordinate judge advocate acts in accordance with a supervisory judge advocate's written and reasonable resolution of an arguable question, then no adverse action under this part may be taken against the subordinate judge advocate. JAG is not bound by unwritten advice or by advice provided by nonsupervisors.

§ 776.11 Outside part-time practice of law.

A DON attorney's primary professional responsibility is to the executive agency to which assigned, and he or she is expected to devote the required amount of effort and time to satisfactorily accomplish assigned duties. The outside practice of law, therefore, must be carefully monitored. Attorneys to whom this section applies who wish to engage in the part-time, outside practice of law must first obtain permission from JAG. Details are contained in Subpart D of this part.